

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

IN RE: CHARISSE HARRIS

CHAPTER 13

DEBTORS

CASE NO. 18-14970 JDW

MOTION TO AVOID JUDICIAL LIEN

COME(S) NOW, Debtor(s), by and through his/her/their attorney of record, requests this Honorable Court, pursuant to §522 (f) of the United States Bankruptcy Code, to issue an order voiding the lien/judgment of the Creditor, **1ST Franklin Financial Corporation** and in support thereof would show unto the Court as follows, to wit:

1. Debtor(s) commenced this case on December 19, 2018, by filing a voluntary petition for relief under Chapter 13 of Title 11 of the United States Code.

2. Pursuant to 28 U.S.C. Section 1334, the Court has jurisdiction of the Motion filed pursuant to 11 U.S.C. Section 522(f) to avoid and cancel a judicial lien/judgment held by **1st Franklin Corporation, 2249 Hwy 15 N, Pontotoc, MS 38863..**

3. On October 23, 2018, the Creditor recorded a judicial lien against the Debtor. Said judicial lien is entered of record as follows:

**Location of Judgment Rolls: Pontotoc County Justice Court, MS
Case Number: Bk 180, Pg 663
Amount: \$2,694.34**

4. All property of Debtor has been claimed as fully exempt in the Debtor's bankruptcy case. The existence of the creditor's lien on Debtor property impairs exemptions to which the Debtor would be entitled under 11 U.S.C. Section 522(b).

WHEREFORE, PREMISES CONSIDERED, Debtor prays for an order against **1st Franklin Financial Corporation** avoiding and canceling the judicial lien of the above mentioned property and for such additional relief as the Court may deem just and proper.

RESPECTFULLY SUBMITTED,

/s/Robert H. Lomenick
KAREN B. SCHNELLER, MSB 6558
ROBERT H. LOMENICK, JR., MSB 104186
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CERTIFICATE OF SERVICE

I, Karen B. Schneller/Robert H. Lomenick, Attorneys for Debtor, do hereby certify that I have this day mailed, via electronic delivery or postage prepaid, a true and correct copy of the above and foregoing Motion To Avoid Judicial Lien to:

1st Franklin Financial Corporation
2249 Hwy 15 N
Pontotoc, MS 38863

Ms. Locke D. Barkley
Chapter 13 Trustee
6360 I-55 North, Suite 140
Jackson, MS 39211

U. S. Trustee
501 East Court Street, Suite 6-430
Jackson, Mississippi 39201

This the 17th day of January, 2019.

/s/Robert H. Lomenick
KAREN B. SCHNELLER
ROBERT H. LOMENICK